

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2021

Bridget M. McCormack,
Chief Justice

161655

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

ARTHUR ORMONDE PRICE, JR.,
Plaintiff-Appellant,

v

SC: 161655
COA: 346145
Saginaw CC: 17-032666-NI

SAMUEL ONEAL AUSTIN and L & B
CARTAGE, INC., d/b/a OMNI QUALITY
INSPECTION SERVICES,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the April 30, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

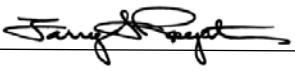
The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether (1) the trial court improperly assessed the appellee-driver's credibility regarding the existence of a sudden emergency in granting summary disposition pursuant to MCR 2.116(C)(10), and (2) the sudden emergency doctrine is an application of the reasonably prudent person standard, not an affirmative defense, such that it may only be determined by a jury. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.



p0120

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 27, 2021


Clerk